REMARKS

This Amendment and Response is filed contemporaneously with a Petition for a One-Month Extension of Time and associated fee. Should any additional filing fees associated with this amendment be necessary, please consider this a request therefor and charge Deposit Account No. 04-1415 as necessary.

Applicants respectfully request reconsideration of the outstanding rejections for the reasons that follow.

Objection To Claim 2

Claim 2 is objected to because of the inclusion of the word "if," making the claim unclear. The problematic claim language has been amended to reflect the Examiner's concerns. Withdrawal of the objection is respectfully requested.

Rejection Under §102 Addressed

Claims 1-5, 7-10, and 21 are rejected under 35 U.S.C. §102(b) as anticipated by Blair (US Patent No. 4,895,165 A). The rejection is respectfully traversed. Blair does not teach or suggest all the claim limitations found in amended claim 1. Amended claim 1 is a self-contained electronic estrus detection device for indicating optimum breeding time in an animal. The claimed device detects and processes information related to breeding time for the animal, and compares the detected and processed information to predetermined/pre-set information that provides a threshold that must be exceeded for an indication of optimum breeding time. The predetermined and pre-set information is specific to the determination that an animal is at optimum breeding time, not just undergoing breeding activity. Blair does not suggest or teach a self-contained electronic estrus device for indicating optimum breeding time. Rather Blair recites a detector that shows the total number of mounts and the sum of the total times elapsed

during each sensed mount taken together (see col. 1, lines 57-66). Blair does not compare the detected information to threshold information that is indicative of optimum breeding time. This is not an indication of optimum breeding time, as claimed in amended claim 1, but rather an indication of the function of number of mounts and sum of total times elapsed during any sensed mount taken together.

As such, Applicants respectfully request withdrawal of the rejection to claim 1 and dependent claims thereto (2-4 and 7-10). Claim 21 has been cancelled making the rejection thereto moot.

Rejection Under §103 Addressed

Claims 6 and 11-20 are rejected under 35 U.S.C. §103(a) as anticipated by Blair (US Patent No. 4,895,165 A) in view of Starzl et al (US Patent No. 5,542,431). The rejection is respectfully traversed. Applicant's amended claim 1, and dependent claims thereto, is directed to a self-contained electronic estrus detection device for indicating optimum breeding time in an animal. The claimed device detects and processes information related to breeding time for the animal, and compares the detected and processed information to predetermined/pre-set information that provides a threshold that must be exceeded for an indication of optimum breeding time. The determination is made on the self-contained device on the animal. The teachings in Blair and Starzl, alone or in combination, fail to teach or suggest this self-contained device for indicating optimum breeding time for an animal. As noted above, Blair recites a detector that shows a total number of mounts on an animal and the sum of the total times elapsed during each sensed mount, taken together (see col. 1, lines 57-66). This is not an indication of optimum breeding time, as claimed in amended claim 1, but rather an indication of the function of number of mounts and sum of total times elapsed during any sensed mount taken together. Starzl recites a system and methodology wherein a transmitter module on the animal obtains and transmits data to a central receiver module, which is forwarded to a computer module. The data received by the computer module is processed by dedicated software and a determination made by the computer software on whether the heat cycle for a particular animal has been started.

Identification information is transmitted with data from the transmitter module on the animal to reliably connect data with the animal. The combination of Blair and Starzl, therefor, does not teach or suggest a self-contained electronic estrus detection device for indicating optimum breeding timing as claimed.

As such, it is believed that claims 6 and 11-19 are allowable for at least the reasons cited above. Prompt allowance of these claims is respectfully solicited. Claim 20 has been cancelled rendering the rejection to this claim moot. Applicants, therefore, request the withdrawal of the §103(a) rejections to claims 6, and 11-19.

Summary

The Applicants thank the Examiner for his thorough review of the claims in this application. Further, the Applicants submit that the application is now in condition for allowance, and respectfully request that the application be passed to allowance. In the event the Examiner has questions or comments and a telephone conversation would expedite a resolution, the Applicants invite the Examiner to contact the undersigned attorney at (303) 629-3400.

The Applicants respectfully request a timely Notice of Allowance be issued in this case.

Dated this 15th day of November, 2004

Respectfully submitted:

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cc: IP Docketing